

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NWDC RESISTANCE and COALITION OF  
ANTI-RACIST WHITES,

Plaintiffs,

v.

IMMIGRATION AND CUSTOMS  
ENFORCEMENT, TAE D. JOHNSON, in his  
official capacity as Acting Director of  
Immigration and Customs Enforcement; and  
ALEJANDRO MAYORKAS, in his official  
capacity as Secretary of Homeland Security,

Defendant.

No. 3:18-cv-05860-RBL

DECLARATION OF BALTAZAR  
ABURTO-GUTIERREZ IN  
OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT

Noted for Consideration:

December 1, 2023

I, Baltazar Aburto-Gutierrez, declare:

1. My name is Baltazar Aburto-Gutierrez. I was born on February 17, 1982 in Mexico.
2. Around 22 years ago, I made the decision to come to the United States. I was a young man with no children and it was an economic decision. It was impossible to find steady work in Mexico in part because I was still a minor. My uncle had told me there was work in the U.S. and that one could make a decent living here, and so I came. I have not been back to Mexico since I first came to the U.S.
3. I have been working about 19 years in the seafood industry in Pacific County in Washington state. I work fulltime, year-round. It is very hard work. I collect oysters and clams. We work at all hours due to the tide. I do maintenance work on the property where I live in addition to my work collecting shellfish.

4. I met my partner Gladys in about 2006. We have four children. I am the biological father of three of the girls. I also helped Gladys raise her oldest daughter Karen since she was a baby. Although, I'm not Karen's biological father I consider her my daughter. Karen's father was never involved in her life. Karen is now 18 years old.
5. Our three other children are Jaquelyne Aburto Diaz, who is 15 years old, Leah Jamilett Aburto Diaz, who is 10 years old, Elci Noemi Aburto Diaz, who is one year old. Jaquelyne, Leah, Elci were born in the United States and are U.S. citizens.
6. We live in a tight-knit community. We are close friends with our neighbors, who also live in our complex of rental trailers and apartments. Our kids play together too. Sometimes I will set up a volleyball net so we can all play volleyball on the property, or my neighbors and my family will organize a barbeque so that we can spend time together.
7. I try to help whenever someone in our community needs something. For example, I lend my tools or help my neighbors with repairs when time allows.
8. I have never been arrested by the police and do not have any criminal history.
9. In 2017, Donald Trump took office. I started to see more arrests by ICE in my community. The people ICE arrested seemed to be people with Driving Under the Influence (DUI) convictions, other criminal history, or prior removal orders. I knew about the backgrounds of the people ICE arrested because the community I live in is very small and everyone knows about each other. Some of the people arrested were friends of mine.
10. On June 23, 2017, ICE arrested my partner Gladys. I remember that on the day of her arrest, I had tried to go clean a boat at the port, but I couldn't do it because the port was closed. While I was driving that day, I had seen two immigration agents near my house. One of the agents waved to me. I recognized both agents. One of the agents was a man named Lonnie. I knew they were ICE agents because they had been coming around the property where we lived and I had also seen them detaining and arresting a friend of mine at the port.
11. When I got home, Gladys told me that someone had contacted her on Facebook about buying a piñata she made and had posted on the site. She said she was going to meet the person at a bank. I told her to meet them closer to our house, but she told me she wanted to go the store anyway, so she didn't mind going to the bank, which was nearby. I was suspicious, especially because I had seen the ICE agents earlier, but she went ahead and left. She took Karen, Jaquelyne, and Leah with her.
12. After Gladys left, I started cutting the grass on the property where we lived. When Gladys came back she was on foot and in the custody of Lonnie, the ICE agent I saw earlier. The other ICE officer drove up in a car. It turned out that it was the ICE agents who had contacted Gladys about the piñata. They pretended to be a customer interested in purchasing the piñata so they could arrest her. I spoke with Lonnie and the other officer. I said something like, "Why are you arresting her in front of my

1 daughters.” I also asked them why they weren’t arresting me, and they said that I  
2 didn’t have any problems. I was upset because of the way they arrested her in front  
3 of my children.

4 13. I later learned that my partner had a removal order from when she tried to enter the  
5 U.S. in 2006 and that was the reason ICE arrested her.

6 14. A local immigrant rights group found out about Gladys’ arrest. They called me to see  
7 how I was doing, and I told them everything that had happened to Gladys. I also told  
8 them that I was willing to talk to a reporter about Gladys’ arrest.

9 15. I ended up talking to several news reporters about what happened to Gladys. I asked  
10 them not publish my name, but one newspaper, the Chinook Observer, included my  
11 nickname “Rosas” in an article about Gladys’ arrest that came out in August of 2017.

12 16. Gladys was eventually deported to Mexico. Karen moved in with her biological  
13 father, and Gladys and I decided that Jaquelyne and Leah should go to Mexico to be  
14 with Gladys. I was worried that I could be arrested by immigration and the girls could  
15 end up in foster care.

16 17. In November of 2017, Nina Shapiro of the Seattle Times published an article  
17 describing the ICE arrests in my community, including Gladys’ arrest. I was quoted  
18 in that article although my name was not included.

19 18. A few weeks after the Seattle Times article came out, on November 27, 2017, ICE  
20 arrested me. I was driving to work early in the morning, and planning to stop by the  
21 store on the way. But the same two ICE agents who arrested Gladys pulled me over  
22 in front of the store. After they pulled me over, I spoke to the officers. Although I  
23 don’t speak English well, I do understand it and I spoke to these officers in English  
24 as best as I could.

25 19. I remember that after stopping me the officer I recognized as Lonnie used my  
26 nickname “Rosas.” I was surprised that he knew my nickname and was not using my  
27 legal name. I also heard the other officer say something like “Who is he?” and I heard  
Lonnie reply by saying something like, “The guy from the newspaper.” I said  
something to Lonnie like, “Newspaper?” Lonnie tried to deny that he was talking  
about me, but I told him that I understand what he had said.

28 20. I also said something to Lonnie like, “You don’t know my name, only my nickname.  
29 Why are you asking for “Rosas” and not my real name if you’re a federal [agent].”  
30 Lonnie asked me for my identification, and I gave it to him. Lonnie said something  
31 like, “Okay your name is Baltazar.” I said to Lonnie something like “You don’t have  
32 an arrest order, you don’t even know my name.” Lonnie replied by saying something  
33 like, “My supervisor told me to come for you because you were in the newspaper.”

34 21. I asked the officers to let me park my truck properly, and they let me call a friend to  
35 come get my truck.

22. When my friend came, he said something like, "Why are you arresting him if he has no problems?" Lonnie said something like, "My supervisor told me to come for him."
23. After they had arrested me, they placed me in their car. As they drove, Lonnie asked me about Gladys. Lonnie asked me why I was still in the U.S. when my family was in Mexico. I explained that I was here so that I could support financially.
24. The agents drove me to a building in Portland, OR, where they processed me before they moved me to a detention center in Tacoma, WA. At the building in Portland the older officer, whose name I do not remember, destroyed my drivers' license and threw it in the garbage.
25. As a result of my conversation with the ICE agents during my arrest, I realized that these officers had come for me because of what I said to the newspaper reporters about Gladys' arrest. To this day, I am one of the only people in my community that I know of who was arrested by ICE but had no criminal record or a prior deportation orders. This also leads me to believe that I was targeted because of talking to reporters about Gladys' arrest.
26. Additionally, the officers referred to me by my nickname, which was used in the Chinook Observer article about Gladys' arrest. It also seems like the agents investigated me after Gladys' arrest because they knew that my daughters were in Mexico. I think they investigated me because I spoke to the press. There is no other reason why they would have wanted to investigate me given my lack of criminal history or prior deportation order.
27. After my arrest, I was detained for about six weeks. I was eventually released from detention. My daughters later came back from Mexico to live with me. I eventually had an immigration court hearing where I showed that my daughters would suffer if I were deported. I am now waiting for a green card based on the outcome of my hearing.

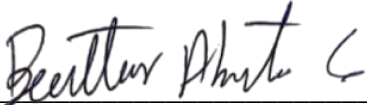
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed at Ocean Park, Washington, this 26 day of November, 2023.

By 

**CERTIFICATE OF INTERPRETATION**

I, Baltazar Aburto-Gutierrez, certify that the foregoing declaration was read to me in Spanish and I understood it before signing it. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Baltazar Aburto-Gutierrez

11/26/2023

Date

I, Daniel Werner, certify that I am fluent in English and Spanish and that I read back the foregoing declaration to Baltazar Aburto-Gutierrez in the Spanish language and that he agreed with its content.



Daniel Werner

11/26/2023

Date

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